

**Summary of the Discussions of the
Highly Migratory Species and
Billfish Advisory Panels Meeting**

**Silver Spring, MD
1-3 April 2002**

Highly Migratory Species Management Division
Office of Sustainable Fisheries
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
Department of Commerce
Silver Spring, Maryland

July 2002

This document summarizes the major discussions held at the joint Highly Migratory Species (HMS) and Billfish Advisory Panels (APs) meeting in April 2002. This document does not endorse any viewpoint nor does it attempt to identify any consensus among AP members or any agency preference. Rather it serves to summarize some of the specific suggestions and comments that the staff of the HMS Management Division heard from AP members. Once available, complete transcripts of the April 2002 AP meeting will be available on the HMS Management Division webpage at: <http://www.nmfs.noaa.gov/sfa/Advisorypanels.html>.

Discussion of the current issues and topics are contained in the 2002 Stock Assessment and Fishery Evaluation Report for Atlantic HMS (SAFE report). This document was the starting point for the discussions held at this meeting. Copies of the SAFE report are available online at: <http://www.nmfs.noaa.gov/sfa/hmspg.html>.

Table of Contents

| | |
|---|-----|
| Table of Contents | i |
| HMS AP Members | ii |
| Billfish AP Members | vii |
| Meeting Agenda | x |
| Monday, April 1, 2002 | x |
| Tuesday, April 2, 2002 | x |
| Wednesday, April 3, 2002 | xi |
| Summaries of the Discussions Held on Monday, April 1, 2002 | 1 |
| Billfish Issues | 1 |
| Endangered Species Act Status Review of White Marlin | 1 |
| Summaries of the Discussions Held on Tuesday, April 2, 2002 | 2 |
| Clarification of State versus Federal Regulations and HMS Management | 2 |
| Shark Issues | 2 |
| HMS Observer Issues | 6 |
| International Commission for the Conservation of Atlantic Tunas Status Update | 7 |
| Bluefin Tuna Issues | 7 |
| Summaries of the Discussions Held on Wednesday, April 3, 2002 | 11 |
| Bycatch Issues | 11 |
| Bigeye, Albacore, Yellowfin, and Skipjack Tuna Issues | 13 |
| Swordfish Issues | 13 |
| Communication/Outreach Issues | 16 |
| Charter/Headboat Issues | 17 |

HMS AP Members

Not all members attended the April 2002 Meeting. The ending date of each member's term is noted.

Commercial Representatives

Mr. Nelson Beideman (January 2003)
Blue Water Fisherman's Association
910 Bayview Avenue
Barnegat Light, NJ 08006
or
P.O. Box 398
Barnegat Light, NJ 08006-0398
Ph: 609-361-9229
Fax: 609-494-7210
Email: bwfa@usa.net

Mr. William Gerencer (January 2005)
Marine Trade Center, Suite 300
2 Portland Fish Pier
Portland, ME 04101
or
726 Main Street
Bowdoin, ME 04287
Ph: 207-353-4360
207-761-0818
Fax: 207-761-0818
Email: Gmorhua@aol.com

Mr. Glen Hopkins (January 2005)
P.O. Box 1023
404 Sir Walter Raleigh Street
Manteo, NC 27954
Ph: 252-473-2014
Fax: 252-473-2014

Mr. Russell Hudson (January 2004)
Directed Shark Fisheries, Inc.
1045 West International Speedway Blvd.
Daytona Beach, FL 32114
or
P.O. Box 11604
Dayton Beach, FL 32120-1604
Ph: 386-239-0948
Fax: 386-253-2843
Email: rhudson106@aol.com

Ms. Gail Johnson (January 2003)
Pocahontas, Inc.
34 Edgewater Colony Road
Harpwell, ME 04079-9711
Ph: 207-833-6083
Fax: 207-833-5722

Email: pocahontas@ghi.net

Mr. Robert McAuliffe (January 2005)
P.O. Box 1599
Christiansted, St. Croix USVI 00821-1599
Ph: 340-773-9665
340-690-8188
Fax: 340-773-9750
Email: macfish@attglobal.net

Ms. Kim Nix (January 2004)
2148 Cove Park Drive
Kemah, TX 77565
Ph: 281-334-7422
Fax: 281-334-9898
Email: KemahDragon@cs.com

Mr. Richard Ruais (January 2003)
East Coast Tuna Association
P.O. Box 447
Salem, NH 03079
or
28 Zion Hill Road
Salem, NH 03079
Ph: 603-898-8862
Fax: 603-898-2026
Email: rruais@aol.com

Mr. Peter Weiss (January 2004)
General Category Tuna Association
304 Newborn Street
Box 343
Boston, MA 02115
or
1857 Middlesex Street
Lowell, MA 01851
Ph: 978-459-2790
617-266-9765
Fax: 978-459-2597
Boat: 617-548-8510
Cell: 617-448-7741
Email: weiss@bellatlantic.net

Recreational Representatives

Mr. James Donofrio (January 2004)
Recreational Fishing Alliance
P.O. Box 3080
New Gretna, NJ 08224
or
c/o Viking Yacht Office Complex
Route 9
New Gretna, NJ 08224
Ph: 609-294-3315
Fax: 609-294-3816
Email: jdrfa@cs.com

Mr. Michael Leech (January 2004)
c/o International Game Fishing Association
300 Gulf Stream Way
Dania Beach, FL 33004
Ph: 954-927-2628
Fax: 954-924-2499

Mr. Joe McBride (January 2004)
Montauk Boatmen & Captains' Association
P.O. Box 1908
East Hampton, NY 11937
or
4 Stokes Court
East Hampton, NY 11937
Ph: 631-329-0973
Fax: 631-329-6560

Mr. Russell Nelson (January 2005)
c/o The Billfish Foundation
2161 E. Commercial Blvd. 2nd Fl.
Fort Lauderdale, FL 33308
Ph: 850-544-4616
Fax: 727-398-5695
Email: drsnnc@aol.com

Environmental Representatives

Ms. Shana Beemer (January 2005)
National Audubon Society
550 South Bay Avenue
Islip, NY 11751
Ph: 631-859-1588
631-581-2927
Fax: 631-859-0314
Cell: 631-835-1519
Email: sbeemer@audubon.org

Mr. Mark Sampson (January 2003)
Ocean City Charterboat Captain's Association
10418 Exeter Road
Ocean City, MD 21842
Ph: 410-213-2442
Fax: 410-213-8221
Email: mark@bigsharks.com

Mr. William Utley (January 2005)
Coastal Conservation Association
300 High Head Road
Harpwell, ME 04079
Ph: 207-729-5295
207-373-1140
Fax: 207-373-1160
or
14 Maine Street
Suite 205
Brunswick, ME 04011
Email: b_utley@blazernetme.net

Mr. Rom Whitaker (January 2003)
Hatteras Harbor Charter Boats
P.O. Box 150
Hatteras, NC 27943
or
57186 Australia Lane
Hatteras, NC 27943
Ph: 252-986-1031
Fax: 252-986-1031
Email: Release1@mindspring.com

Dr. Ramon Bonfil (January 2005)
Wildlife Conservation Society
International Program
2300 Southern Blvd
Bronx, NY 10460
Ph: 718-741-8205
Fax: 718-364-4275
E-mail: rbonfil@wcs.org

Ms. Sonja Fordham (January 2003)
Center for Marine Conservation
1725 Desales Street, NW
Suite 600
Washington, DC 20036
Ph: 202-429-5609
Fax: 202-872-0619
Email: sonja@dccmc.org

Dr. David Wilmot (January 2004)
Director, Ocean Wildlife Campaign
2425 Porter St., Suite 18
Soquel, CA 95073
or
2987 Renwick Way
Santa Cruz, CA 95062
Ph: 831-462-2539
831-462-2550
Fax: 831-462-2542
Cell: 831-915-1978
Email: dwilmot@audubon.org

Academic Representatives

Dr. Phil Goodyear (January 2003)
415 Ridgewood Road
Key Biscayne, FL 33149
Ph: 305-361-0363
Fax: 305-361-0363
Email: Philgoodyear@emailmns.com

Dr. Robert Hueter (January 2004)
Center for Shark Research
Mote Marine Laboratory
1600 Ken Thompson Parkway
Sarasota, FL 34236
Ph: 941-388-4441
Fax: 941-388-4312
Email: rhuetter@mote.org

International Commission for the Conservation of Atlantic Tunas Chair

Dr. John Graves
Virginia Institute of Marine Science
P. O. Box 1346
Route 1208
Gloucester Point, VA 23062
Ph: 804-684-7352
fax: 804-684-7186

Fishery Management Council Representatives

Chairperson

Mr. Virdin Brown
Caribbean Fishery Management Council
268 Avenue Munoz Rivera, Suite 1108
San Juan, PR 00918-2577
Ph: 787-766-5926
787-766-5927

Representative

Fax: 787-766-6239
Ex Mail:
277 Cotton Valley
St. Croix, V.I. 00820
P.O. Box 7809
St. Croix, V.I. 00823
Email: vicybro@netscape.net
340-773-2803
Fax: 340-773-2803
<http://www.caribbeanfmc.com>

Mr. Thomas R. Hill
New England Fishery Management Council
50 Water Street,
The Tannery Mill 2
Newburyport, MA 01950
Ph: 978-465-0492
Fax: 978-465-3116
or
235 Promenade Street
Providence, RI 02908
Ph: 401-222-6605
Fax: 401-222-3162
<http://www.nefmc.org>

Mr. Obadiah Fulton Love, Jr
South Atlantic Fishery Management Council
One Southpark Circle, Suite 306
Charleston, SC 29407-4699
Ph: 843-571-4366
Fax: 843-769-4520
<http://www.safmc.net>

Mr. Ricks E Savage
Mid Atlantic Fishery Management Council
Federal Building, Rm 2115
300 South New Street
Dover, DE 19904-6790
Ph: 302-674-2331 :
Fax:: 302-674-5399
<http://www.mafmc.org>

Mr. Roy Williams
Gulf of Mexico Fishery Management Council
The Commons at Rivergate
3018 US Highway 301 North
Ste. 1000
Tampa, FL 33619-2266
Ph: 813-228-2815
Fax: 813-225-7015
<http://www.gulfcouncil.org>

Mr. Clarence Wayne Lee
South Atlantic Fishery Management Council
3000 Raymond Avenue
Kill Devil Hills, NC 27948
Ph: 252-480-1287
Fax: 252-480-1631
cwlee@mindspring.com

Mr. Robert Pride
eBusiness Solutions, Inc.
780 Pilot House Drive, Ste. 300-B
Newport News, VA 23606-4413
Ph: 757-596-1740
Fax: 757-596-1842
email: prider74@alum.darden.edu

Mr. Irby Basco
3018 U.S. Highway 301 North, Suite 1000
Tampa, FL 33619-2266
Ph: 813-228-2815
Fax: 813-225-7015
or
P.O. Box 1025 (Pref.)
Nederland, TX 77627
Ph: 409-722-4434
800-720-4434

Fax: 409-722-6428

State Representatives

Mr. Henry Ansley
One Conservation Way
Ste 300
Brunswick, GA 31520-8687
or
8010 Tybee Road
Savannah, GA 31410
Ph: 912-264-7218
Fax: 912-262-2318

Mr. Randy Blankenship
Texas Parks and Wildlife Dept.
Coastal Fisheries Division
95 Hatchery Road
Brownsville, TX 78520
Ph: 956-350-4490
Fax: 956-350-3470
Email: randy.blankinship@tpwd.state.tx.us

David M. Cupka
SC Dept. of Natural Resources
217 Fort Johnson Road
Charleston, SC 29422
Ph: 843-762-5042
Fax: 843-762-5001

Mr. James P. Monaghan
NC Dept. Environment & Natural Resources
3441 Arendell
Morehead City, NC 28557
Ph: 252-726-7021
Fax: 252-726-9218

Ms. Jill Stevenson
Maryland Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue, B-2
Annapolis, MD 21401
Ph: 410-260-8254
Fax: 410-260-8279
Email: jstevenson@dnr.state.md.us

Mr. Glenn Ulrich
SC Dept. of Natural Resources
P.O. Box 12559
Charleston, SC 29422-2559
or
217 Fort Johnson Road
Charleston, SC 29422
Ph: 843-762-5080
Fax: 843-406-4060
Email: ulrichg@mrd.dnr.state.sc

Billfish AP Members

Not all members attended the April 2002 Meeting. The ending date of each member's term is noted.

Commercial Representatives

Mr. Jack Devnew (January 2003)
Blue Water Fishermen's Association
The Flagship Group
5000 World Trade Center
Norfolk, VA 23510-1624
Ph: 757-625-0938
Fax: 757-627-2130

Mr. William Etheridge (January 2004)
North Carolina Fisheries Association
P.O. Box 77
Wanchese, NC 27981
or
100 Mill Landing
St. Route 345
Wanchese, NC 27981
Ph: 252-473-5272
Fax: 252-473-2467

Recreational Representatives

Ms. Pamela Basco (January 2004)
Gulf of Mexico Fishery Management Council
Advisory Panel
2929 Buffalo Speedway
Suite 1510
Houston, TX 77098
Ph: 713-542-1843
Fax: 409-722-6428
Email: fildbas@aol.com

Ms. Ellen Peel (January 2004)
The Billfish Foundation
P.O. Box 8787
Fort Lauderdale, FL 33310
or
2161 East Commercial Blvd., 2nd Floor
Fort Lauderdale, FL 33308
Ph: 954-938-0150
Fax: 954-938-5311

Mr. John Dorland (January 2003)
Coastal Conservation Association
1155 Jack Hamilton Road
Mobile, AL 36695-8065
Ph: 251-865-6110
251-402-8190
Fax: 251-865-6119

Mr. Rick Weber (January 2003)
South Jersey Marina
P.O. Box 641
Cape May, NJ 08204
or
1231 Route 109
Cape May, NJ 08204
Ph: 609-884-2400
Fax: 609-884-0039
Email: rrw@sjmarina.com

Environmental Representative

Mr. Russell Dunn (January 2004)
Ocean Wildlife Campaign
1901 Pennsylvania Ave NW, Suite 110
Washington, DC 20003
Ph: 202-861-2242
Fax: 202-861-4290

Academic Representative

Dr. Mark Farber (January 2003)
14270 SW 106 Terrace
Miami, FL 33186
or
University of Miami
Department of Management Science
School of Business
417-Jenkins Building
Coral Gables, FL 33124
Ph: 305-384-5022 (w)
Fax: 305-383-4659
Cell: 305-975-5424
Email: mfarber@exchange.sba.miami.edu

International Commission for the Conservation of Atlantic Tunas Chair

Dr. John Graves
Virginia Institute of Marine Science
P. O. Box 1346
Route 1208
Gloucester Point, VA 23062
Ph: 804-684-7352
fax: 804-684-7186

Fishery Management Council Representatives

Chairperson

Mr. Obadiah Fulton Love, Jr
South Atlantic Fishery Management Council
One Southpark Circle, Suite 306
Charleston, SC 29407-4699
Ph: 843-571-4366
Fax: 843-769-4520
<http://www.safmc.net>

Mr. Roy Williams
Gulf of Mexico Fishery Management Council
The Commons at Rivergate
3018 US Highway 301 North
Ste. 1000
Tampa, FL 33619-2266
Ph: 813-228-2815
Fax: 813-225-7015
<http://www.gulfcouncil.org>

Representative

Mr. Clarence Wayne Lee
South Atlantic Fishery Management Council
3000 Raymond Avenue
Kill Devil Hills, NC 27948
Ph: 252-480-1287
Fax: 252-480-1631
cwlee@mindspring.com

Mr. Maumus F. Claverie, Jr.
Gulf of Mexico Fishery Management Council
830 Union Street, 3rd Floor
New Orleans, LA 70112
Ph: 504-524-5418
Fax: 504-524-1066
Email: maumusjr@aol.com

State Representatives

Mr. Thomas Williams
8010 Tybee Road
Savannah, GA 31410
Ph: 912-897-2219
Fax: 912-897-6044

Mr. Robert Kramer
FL Fish & Wildlife Conservation Commission
Division of Marine Fisheries
2590 Executive Center Circle East
Ste 204
Tallahassee, FL 32301
Ph: 850-488-6058
Fax: 850-488-7152
Email: kramerr@gfc.state.fl.us

Meeting Agenda

The following is the meeting agenda as modified at the beginning of the AP meeting. While the times may not have been followed during the meeting, this agenda serves as the organizational key for this meeting summary.

Monday, April 1, 2002

- 1:00 p.m. Opening Comments
- 1:30 p.m. Adoption of the Agenda; Priority Topics and Timing
- 2:15 p.m. Billfish Issues - Monitoring; Tournaments; Recreational Reporting; Update on Status of the Dolphin Wahoo Fishery Management Plan
AP Discussion
- 3:00 p.m. Break
- 3:30 p.m. Endangered Species Act Status Review of White Marlin - Process and Timing
AP Discussion
- 5:30 p.m. Billfish Issues
Public Comment
- 6:30 p.m. Adjourn

Tuesday, April 2, 2002

- 8:30 a.m. Clarification of State versus Federal Regulations and HMS Management
- 8:45 a.m. Shark Issues - Management Update; Stock Assessment Update; Public Display/Atlantic State Marine Fisheries Commission Coordination; Outreach Initiative with Sea Grant; International efforts
AP Discussion
- 10:00 a.m. Break
- 10:15 a.m. HMS Observer Issues
AP Discussion
- 12:00 p.m. Lunch
- 1:00 p.m. International Commission for the Conservation of Atlantic Tunas Status Update - 2001 Meeting Results; Spring Advisory Committee Meeting
AP Discussion
- 1:30 p.m. Bluefin Tuna Issues - Incidental Catch; Season Dates/Effort Controls/Catch Limits Allocation/Quotas; Stock Assessment
AP Discussion
- 3:00 p.m. Break
- 3:20 p.m. *AP Discussion Continued*
- 5:30 p.m. Dinner
- 7:00 p.m. Bluefin tuna issues
Public comment

Wednesday, April 3, 2002

- 8:30 a.m. Bycatch Issues - Bycatch Reduction Measures Update; Biological Opinion Implementation/Environmental Impact Statement; Northeast Distant Experimental Fishery
AP Discussion
- 10:00 a.m. Break
- 10:15 a.m. Bigeye, Albacore, Yellowfin, Skipjack Tuna Issues - Data Collection; Management
AP Discussion
- 11:00 a.m. Swordfish Issues - Limited Access; Assessment; Management
AP Discussion
- 12:00 p.m. Lunch
- 1:00 p.m. Communication/Outreach Issues - Stock Assessment and Fishery Evaluation Report; Compliance Guides; Internet/Recorded Message; Brochures; Fax; E-Comments Project
AP Discussion
- 2:00 p.m. Charter/Headboat Issues – Angling Category Permit
- 3:00 p.m. *AP Discussion and Public Comment*
- 3:30 p.m. Adjourn

Summaries of the Discussions Held on Monday, April 1, 2002

Billfish Issues

This discussion focused on monitoring of the U.S. recreational billfish fishery. There was a lot of discussion of potential tagging programs, similar to those in place for the recreational bluefin tuna fisheries in North Carolina and Maryland. Some of the comments by AP members included:

- A call-in requirement will provide poor data.
- Sea Grant personnel could participate as 'port agents' due to their good reputation with the industry.
- Cooperation between the National Marine Fisheries Service (NOAA Fisheries) and the states is essential.
- Tagging could be utilized for counting fish and getting real numbers, but tags become problematic when they are used as a tool to limit the landings.
- Perhaps some of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) tagging programs could be looked at to determine a way to implement a tagging system.
- The billfish data collection efforts in the Gulf of Mexico have been an ongoing effort for 30 years and should be continued. Any new landings/catch data collection system put in place should maintain the continuous effort collection that has been going on in the Gulf of Mexico.

Endangered Species Act Status Review of White Marlin

David O'Brien from the Office of Protected Resources led this discussion regarding the proposal to list white marlin under the Endangered Species Act (ESA). Before a decision to list a species is made, a review team is formed to review the status of the species on the basis of five listing criteria and to make a recommendation for listing. The final decision on whether or not to list a species is made by NOAA Fisheries, not by the review team. During this discussion, the AP mostly asked questions on the procedures and process under ESA and what some of the criteria were in determining if a species should be proposed for listing. The AP discussed the status review process and what effects listing could have. Some AP members made the point that there are many other people, besides those on the status review team, that are knowledgeable and could contribute to the status review process. Other AP members noted that the review team should consider management measures that international groups, such as the International Commission for the Conservation of Atlantic Tunas (ICCAT), have taken and whether or not international or domestic fishermen are the cause for the decline.

Summaries of the Discussions Held on Tuesday, April 2, 2002

Clarification of State versus Federal Regulations and HMS Management

There are two laws that can give NOAA Fisheries, under certain circumstances, the authority to preempt a State's regulations regarding HMS Management: the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) or the Atlantic Tunas Convention Act (ATCA). Under the Magnuson-Stevens Act, NOAA Fisheries can preempt a State's regulations if the fishery predominantly occurs in the U.S. exclusive economic zone (EEZ) or beyond or if the State has or has not taken action that will substantially or adversely affect the fishery management plan (FMP) for the U.S. EEZ. Under ATCA, NOAA Fisheries can preempt a State's regulations if it is needed in order to follow the recommendations issued by the ICCAT. Questions and issues raised by AP members included:

- What if a State's regulations are more restrictive than the Federal FMP? Whose regulations are enforced?
- What if a Federal FMP is put into place under ACTA after a State has already implemented regulations? For example, when the Billfish FMP went into place, the State of Florida already had regulations regarding Billfish. The State was told at that time that their regulations could be applied.
- The United States cannot be in a position where it has agreed to do something under ICCAT but individual States want to do something else.
- What does it take for a State to initiate a consultation with NOAA Fisheries to find out if its regulations are consistent with ICCAT recommendations?
- Texas has a proposal that would require any fish landed in Texas to meet the State regulations unless that species is regulated under a Federal FMP.
- In the Virgin Islands, HMS are caught within State waters. Currently, enforcement of Federal regulations is not a priority among fishermen or local governments.

Shark Issues

This discussion focused on a number of ongoing issues in shark management including the impact of the current emergency rule implementing the settlement agreement with commercial shark fishermen and dealers, the current litigation with environmental organizations, the implementation of the Shark Finning Prohibition Act of 2000, the upcoming small coastal and large coastal shark assessments, the upcoming media event regarding shark attacks, the upcoming proposed rule on shark public display, and the issuance of exempted fishing permits (EFPs) for sharks in coordination with States. Questions and concerns raised by AP members included:

Shark Finning Prohibition Act

- Can cargo vessels have shark fins on board?
- Does the Shark Finning Prohibition Act change Atlantic regulations?
- Does the Shark Finning Prohibition Act apply to U.S. vessels on the high seas?

Shark Stock Assessments

- If NOAA Fisheries waits too long to announce the dates for the large coastal shark (LCS) assessment, top shark scientists will not be able to make the assessment because of prior commitments. If NOAA Fisheries gave sharks a higher priority, the dates would have been announced long ago. ICCAT announces the dates for their assessments a year ahead of time.
- The new assessment should use only one model to avoid confusion over the issue. For example, the two model approach in bluefin tuna has confused the issue.
- One model was used in 1993 but was not given a chance to work. By 1998 the model used was completely different than in any other assessment.
- Does NOAA Fisheries intend to keep the peer review process beyond that required by the settlement agreement?
- For the last peer review process there were four reviewers. What happens if two of the reviewers say one thing and two say another?
- NOAA Fisheries should move toward a species-specific approach for LCS similar to what is done in the tunas fisheries.
- The management of the fishery by ridgeback or non-ridgeback was wrong because they used only sandbar and blacktip sharks as proxies. Not all shark species are equal.
- Will the commercial trip limit be revisited after the assessment?
- NOAA Fisheries needs to evaluate the need for prohibited species at the assessment. Need to allow for an experimental quota on some species such as Angel sharks that are caught in purse seine gear.
- NOAA Fisheries needs to do assessments on individual species such as Dusky. Perhaps an exploratory quota of 100,000 lbs could be set up to allow for some preliminary evaluations on allowing fishing on Dusky or other prohibited species.
- It is not the time to remove Dusky sharks from the prohibited species list. Currently, we are only seeing juvenile sharks. We need to give time for those sharks to mature and pup. It takes 21 years for Dusky sharks to mature.
- It does not seem as though NOAA Fisheries has a handle on the extent of shrimp trawl shark bycatch. Are there plans to get a more accurate idea of bycatch levels in this fishery?
- In section 6 of the SAFE report it mentions the blacktip bycatch in the Gulf of Mexico Menhaden fishery. If you look at the numbers it accounts for nine percent of the commercial quota.
- NOAA Fisheries should look at how well fish excluder devices work before using bycatch in other fisheries against the commercial fishermen.
- Scientists at a Gulf Assessment in 1998 said that a lot of the data used in the NOAA Fisheries 1998 stock assessment should not have been used.
- Foreign fisheries on sharks, particularly blue sharks, are growing. This could be of concern with the upcoming LCS and pelagic shark assessments because U.S. fishermen use short shank hooks which sharks bite off. Foreign fishermen use longer shank hooks so the sharks stay hooked. Data collections need to include the number of bitten off hooks in the assessments in order to have an accurate idea of what U.S. catch per unit effort

(CPUE) is. The experiment in the Northeast Distant (NED) statistical area may be a good place to get fish research done as well as sea turtle research.

- While ICCAT is planning an assessment of some pelagic shark species, NOAA Fisheries needs to work to push domestic management of all pelagic shark species.

Shark Recreational Fishery

- The 4.5 ft minimum size for recreational fishing is not appropriate because not all species reach that size. It basically means that recreational fishermen are not allowed to keep a number of species that the commercial fishermen can.
- Recreational fishermen often take blue sharks smaller than 4.5 ft. It is hard as a charterboat captain to explain to anglers why they cannot take these sharks while commercial fishermen can.

Exempted Fishing Permits

- How many sharks are taken with EFPs?
- Is there any way the International Game Fish Association (IGFA) could get EFPs in order to allow for world record sharks to be landed?
- What is the next step for NOAA Fisheries and States to create a common database for issuance of EFPs?
- If the EFP database does not work with the Atlantic States Marine Fisheries Commission (ASMFC), NOAA Fisheries should work with individual states to create a system.
- NOAA Fisheries needs to work with the Gulf States Marine Fisheries Commission on EFP issue.
- ASMFC should be encouraged to move forward with the EFP system and to manage LCS, particularly in regard to habitat.

International Shark Issues

- NOAA Fisheries needs to work on international issues. Not all of them are gaining momentum. The Northwest Atlantic Fisheries Organizations (NAFO) efforts are more successful than the Asia Pacific Economic Cooperation (APEC).
- NOAA Fisheries needs to encourage an international ban on finning.
- NOAA Fisheries needs more information on the import and export of shark products. The environmental community may be able to help with this data collection.
- Imports of frozen shark meat have increased recently. This is a problem because we all share the resource and U.S. fishermen do not have the chance to compete.

Shark Attacks

- What type of education and outreach will occur during the shark attack media initiative?
- Is there a relationship between shark attacks and abundance or management?
- The number of shark attacks in Florida was one less last year and six to seven less world-

wide. The number of recorded instances has increased over time because of new and faster ways of getting the information and because the number of tourists has increased over time.

- Since 1993, the number of shark attacks per year has increased exponentially. This is due not only to the effort controls on the directed shark fishery but also because Florida pushed shrimp boats outside one mile. Therefore, the shoreline of Florida has become a sanctuary for fish, particularly bait fish, and sharks come in to eat there. Also, there are fewer people on the beaches in Florida because of turtle nest protections and problems with parking.
- NOAA Fisheries should contact commercial shark fishing interests, as well as scientists, to be part of the media initiative because they are shark experts.
- NOAA Fisheries should tell people to stay out of the water. As the population rebuilds, sharks will be larger. NOAA Fisheries should allow fishermen to fish in State waters and closer to shore to remove threat to humans.

Shark Enforcement Issues

- The recreational regulations for sharks are not known and are not enforced in Texas.
- In the Caribbean, shark is a primary food source for many fishermen including sharks that are prohibited. NOAA Fisheries needs to legitimize these fishermen and needs to be more accountable to what happens to fishermen.
- Most States should push for proper enforcement of the regulations. It is good for the fishery and the economy. NOAA Fisheries should publish the results of enforcement actions. This might help to deter people.

Miscellaneous Shark Issues

- What is NOAA Fisheries' vision regarding sharks once all the legal disputes are concluded? The Stock Assessment and Fishery Evaluation (SAFE) report and the National Plan of Action for the Conservation and Management of Sharks (NPOA) are good summary documents but they lack both vision and a summary of management needs.
- The legal disputes are the result of not giving sharks a higher priority.
- Why were non-quota regulations, such as counting bycatch and dead discards, undone after the last peer review?
- Why was the season-specific quota over- and underharvest approach undone?
- Section 10 of the SAFE report notes finning regulation on deep water sharks. That is not enough given the precautionary approach of the Magnuson-Stevens Act. NOAA Fisheries should prohibit retention of these species.
- The results of habitat research in Section 3 of the SAFE report appear to indicate that protection of nursery areas for sharks, particularly sand tiger, sandbar, and blacktip sharks, is needed.
- Observer coverage in the drift gillnet fishery can be decreased to use the money in other fisheries. However, NOAA Fisheries should not rely solely on VMS in this fishery.
- Observer programs are important and should be a priority.

- Why are some prohibited species reported as landed in the tables in the SAFE report?
- Shark academia and environmental interests need to work with commercial shark fishermen and dealers instead of forcing them out of business.
- Shark fishermen do not target small fish. In the past, shark fishermen would only bring in small fish if they were dead when the line was pulled up. A minimum size requirement would only result in discarding of those small fish.
- Currently a lot of limited access permits are not being used but as the population rebuilds they may be. NOAA Fisheries needs to consider this possibility.
- NOAA Fisheries needs more information on the exchange rates of sharks between Mexico and United States waters.
- In general, NOAA Fisheries has done a good job with sharks domestically because fishermen are entering “good times” again.

HMS Observer Issues

Except for HMS charter/headboat and tuna Angling category permit holders, any fisherman who holds an HMS permit may be selected for mandatory observer coverage. Vessels that are selected must comply with a number of U.S. Coast Guard and NOAA Fisheries safety regulations before they can carry an observer. If they do not, they may not fish unless NOAA Fisheries issues an observer. NOAA Fisheries observers are placed on vessels to observe fishing activities and the fish that are caught in the fishing gear; they are not enforcement officers. Some of the questions raised by AP members include:

- How does NOAA Fisheries prioritize observer programs to fund them?
- Who are the observers? How does NOAA Fisheries pay them? How do you know they are not “taken in” by the captain?
- What is NOAA Fisheries’ vision for observer coverage? NOAA Fisheries must decide on an appropriate level of observer coverage for each fishery and prioritize accordingly.
- NOAA Fisheries should buy out the shark gillnet vessels, prohibit the gear, and put the \$300 K used to observe that fishery into another fishery.
- Why is NOAA Fisheries spending \$300 K to observe five shark gillnet vessels when it is only giving \$300 K to observe the entire bottom longline fleet?
- The commercial fishing industry has debated with NOAA Fisheries about observing all HMS fisheries, not just pelagic longline, for a number of years. Nothing has been done. However, NOAA Fisheries converted the bottom longline fishery from a voluntary program to a mandatory program automatically without a change to the regulations.
- ICCAT has recommended five percent observer coverage for the Bigeye, Albacore, Yellowfin, and Skipjack (BAYS) fisheries. However, NOAA Fisheries has only observed the pelagic longline portion of this fishery.
- NOAA Fisheries’ Memorandum of Understanding with the State of Georgia regarding observer coverage of the shark gillnet fishery has to be renewed.
- If a vessel is selected for observer coverage that does not meet the safety requirements, the owner has to spend time and effort to make sure it conforms. This can cost a lot of money, possibly require building a new bunk and getting another, larger life raft. A lot of

vessels do not have the money to make these changes and also cannot afford not to fish. At the same time, NOAA Fisheries says it cannot observe the recreational fishery because it does not have enough money. How can NOAA Fisheries put hardships of this sort on one sector of a fishery and not on others?

- The recreational fishery should also be observed. One charter boat operator stated he would have no problem putting a NOAA Fisheries observer on his vessel and accommodating the observer.

International Commission for the Conservation of Atlantic Tunas Status Update

For this discussion, Dr. John Graves presented the results of the November 2001 ICCAT meeting. This included talking about which recommendations had been approved via a mail vote after the breakdown of negotiations at the actual Plenary meeting. Some of the comments by AP members included:

- The nations at the Plenary meeting did embrace the need to move forward with a pelagic shark assessment and tasked the scientists to do an assessment by 2004.
- What happened at the meeting in regard to the breakdown over bluefin tuna was part of a long-time effort by the United States and other nations to conserve and manage these species. These nations had been disappointed by the European Union's involvement in all fisheries. The breakdown needed to happen to ensure that all nations comply with the regulations and take the task of conserving and managing the stocks seriously.
- What will happen now that negotiations broke down with respect to bluefin tuna?
- With Atlantic billfish, the credibility of the United States could be at stake if we knowingly exceed the quota. We cannot go to the next meeting using the same excuses we have criticized other nations for using.
- What did the United States get out of agreeing to the billfish quota?
- Did the United States agree to a 25 percent decrease in white marlin landings? Did we achieve that goal?
- Are the rebuilding goals from ICCAT recommendations realistic? Can the United States make them?
- Regarding the idea of observers on the high seas, whose observers would be used and trusted?

Bluefin Tuna Issues

For this discussion, NOAA Fisheries presented information including several alternatives and analyses for modifying the bluefin tuna target catch requirements by pelagic longline vessels and an update on the 2001 fishing season. The update on the fishing season summarized landings and catch limits and projected quotas for 2002. Additionally, representatives from North Carolina fishermen presented a proposal for allocating commercial bluefin tuna (BFT) during a time and/or in an area so that North Carolina fishermen would have access to the commercial handgear fishery. Several fishermen from North Carolina spoke in support of this proposal during the public comment session on Tuesday evening. Some of the comments and questions raised by AP

members included:

Target Catch Requirements for BFT Retention by Pelagic Longline Vessels

- The current closed areas need to be evaluated for effectiveness.
- Anecdotal reports of BFT dead discards from the Gulf of Mexico indicate that interaction rates and dead discards are much higher than currently estimated.
- The Longline Category quota is an “incidental catch” quota, and does not need be filled each year
- The current target catch requirements result in additional BFT mortality. BFT are discarded dead by longline fishermen, and then unused longline quota (only unused because of fish that had to be discarded) is transferred to other categories and caught.
- Alternatives that would allow more BFT retention would not increase actual mortality, but would increase the landed mortality.
- Why can’t breakaway gear be developed/utilized for fish of larger sizes (e.g., large BFT caught when targeting BAYS)?
- What level of high grading currently takes place? How has that been worked into the analyses?
- When you say that the status quo is off by 40 percent, does that mean we are 40 percent behind before we start?
- It makes more sense to move the line to 31 degrees because it would be a better opportunity for law enforcement in a clear area where people are not crossing the line between fishing and landing.
- The regulations went from two bluefin tuna to one in order to get Japanese bluefin tuna fishery out of the Gulf of Mexico. NOAA Fisheries needs to be careful to avoid any perception of a directed fishery.
- The area in the Gulf of Mexico is a spawning ground. Currently there is a fishery on the spawning ground. This area is critical for stock recovery. NOAA Fisheries needs to close that area for the three months during the bluefin tuna spawning season.
- The spawning area is never in the same place in the Gulf of Mexico. That is why the Japanese longline vessels used to “leapfrog” to keep up with the school.
- The analysis NOAA Fisheries has just presented appears sound and worth a try. However, NOAA Fisheries must look into closing the Gulf of Mexico spawning ground.
- The Japanese longline fishery from 1962-82 should have some good data. These data might show the exact location of spawning bluefin.
- Enforcement of such a closure could be an issue because it is so far offshore.
- Could a closed area accomplish the same goal of reducing dead discards in the Gulf of Mexico?
- Does the analysis presented consider closing the mid-Atlantic Bight? This might be a good option as well.

Season Dates/Effort Controls/Catch Limits/Allocation & Quotas

Angling Category:

- The Angling Category season needs to be predictable and consistent.
- Four BFT per vessel is appropriate. The size class needs to be incorporated into retention limits, for instance, four school sized fish versus four large school/small medium sized fish.
- The eight percent limit on school sized fish needs to be addressed at ICCAT.
- The headboat limit should apply across the board north and south. Again, NOAA Fisheries needs to consider the size class issues.
- An increase in quota is necessary, if possible, due to this year's BFT assessment
- The Angling retention limits should be higher so Angling Category quota does not get reallocated to other categories.

General Category

- The North Carolina commercial BFT fishery is often described as a “new” fishery. “New fishery” is not defined in the Magnuson-Stevens Act.
- North Carolina fishermen would like some assurance that they will have the ability to participate in the commercial handgear fishery. They don't want to just wait and see if there is any quota left as in the past two years.
- The South Atlantic Fishery Management Council supports the creation of a Southern General Category quota.
- North Carolina fishermen are not being treated equitably underneath National Standard 4.
- The General Category quota is not managed as ‘set asides’ for individual states. Instead vessels need to go where the fish are.
- Most areas along the Atlantic coast have either a commercial BFT fishery (e.g., New England), or a recreational BFT fishery (e.g., New York - Virginia). North Carolina already has a thriving recreational fishery. If they want a commercial fishery, then they need to choose between it and a recreational fishery.
- NOAA Fisheries should consider a Winter/Spring BFT fishery.
- Can the June 1 start date of the General Category fishery be adjusted to allow a Spring fishery?
- Properly permitted vessels should have equal access to the commercial fishery.
- Providing quota for North Carolina fishermen can be addressed if the United States is allocated additional quota at ICCAT this year. If the stock assessment supports it, the United States needs to acquire more quota from ICCAT.
- Domestic quota allocation should be handled just like ICCAT (allocation criteria). Until historical fisheries are rebuilt, no new fisheries should be established.
- The 90 mt that North Carolina fishermen are requesting is not based on past landings, but just on “what they feel they should have.”
- Is there equity among the permit costs issued from the states? It currently costs more for a Massachusetts vessel to get North Carolina permits than it does for a North Carolina vessel to get Massachusetts permits. The North Carolina representatives said that it should not be that way, and that they would look into it.
- If North Carolina fishermen are given a quota, then some other part of the fishery will lose

quota. Who is going to be forced to make a sacrifice to create a commercial fishery in North Carolina?

- The more flexibility built into the system for Restricted Fishing Days at the beginning of the year, the better.

Other BFT Issues

- The Purse Seine Category vessels would like an earlier start date to their season to reduce gear conflict with the handgear fishery. NOAA Fisheries should move the start date from August 15 to July 15.
- The Harpoon Category does not have ample representation on this panel.

Summaries of the Discussions Held on Wednesday, April 3, 2002

Bycatch Issues

NOAA Fisheries has implemented a number of measures in the past few years to reduce bycatch in HMS fisheries (e.g., time/area closures in the Gulf of Mexico, off the East Coast of Florida, in the Charleston Bump, and in the mid-Atlantic Bight; live bait prohibition in the Gulf of Mexico; limited access in the commercial shark and swordfish fisheries; addition of discard data to the snapper/grouper, reef fish, shark logbook). Most recently, due to a jeopardy finding in the 2001 Biological Opinion (BiOp), NOAA Fisheries has focused its attention on sea turtles and the HMS pelagic longline fishery. Most of the following discussion focused on the BiOp, the proposed rule implementing the measures in the BiOp, the experimental fishery in the Northeast Distant area (NED), and previous measures implemented to reduce bycatch. Comments and concerns raised by AP members included:

Defining Bycatch

- What is the difference between bycatch or discards and a “catch and release program”?
- Are sharks released in shark tournaments considered bycatch? If so, this may not be fair especially given that the NOAA Fisheries’ Narragansett lab tags these sharks.
- Animals that are tagged and released should not be considered bycatch.
- Post release mortality of sharks is related to the species but is generally low in rod and reel fisheries.

Sea Turtle Issues

- What is the definition of pelagic longline gear?
- Where will hearings for the proposed rule be held? Does the proposed rule include any measures for the recreational fishery?
- Is there other research on pelagic longline gear being conducted or is the only research being done in the NED?
- The 2001 experimental fishery worked well. NOAA Fisheries needs to begin working on the process for the 2002 experimental fishery.
- The post-release mortality assumptions in the BiOp, based on tag studies in the Pacific and the Azores, are ridiculous. NOAA Fisheries needs additional research on this issue.
- The current assumption is that turtles that are snagged on hooks have a 27 percent chance of dying. Yet NOAA Fisheries is putting tags in these animals. These tags leave just as large a hole as a hook. The commercial industry feels this is just an effort by the Office of Protected Resources to delay research that would support a different conclusion in the BiOp.
- 27 percent seems high especially since sea turtles can survive shark bites regularly.
- Why is NOAA Fisheries only putting out nine pop-up tags this year? It should not take NOAA Fisheries two years to “calibrate” the data.
- NOAA Fisheries needs to work with tagging data of sea turtles and how often satellite

data is downloaded. Why is NOAA Fisheries using 10 months for sea turtles when it uses 5 days for other species?

- The length of time before download does seem long but NOAA Fisheries may be trying to determine acute versus chronic mortality or may be studying more than just post-release mortality.
- Why is NOAA Fisheries using pop-up tags to do post-release mortality studies? Real time tags may be better and could indicate mortality that day. These tags have been used on sea turtles for years.
- Does NOAA Fisheries have post-release mortality rates for sea turtles hooked on the mouth or other locations?
- Charter/headboats see sea turtles but do not catch them. Sea turtles are an issue for commercial gear not recreational.
- Sea turtles are an issue for all hook and line fisheries, not just commercial. NOAA Fisheries needs to collect data for recreational fishery. It is important for commercial and recreational fishermen to work together on this issue.
- Sea turtle populations have skyrocketed in the past decade.
- If pelagic longline fishermen are required to remove hooks from sea turtles, why do they also need line clippers?

Time/Area Closures to Reduce Bycatch

- Is the bluefin tuna June closure successful? When is NOAA Fisheries going to analyze the impacts of the current time/area closures?
- How can NOAA Fisheries expect bluefin tuna discards to remain in the same area every year. Migration habits change and interactions with the fleet are not static.
- What are NOAA Fisheries' goals for these time/area closures? How can you evaluate the effectiveness without goals? When the analyses will be done?
- The SAFE report does not contain a detailed description of the closures and whether or not they are effective. It also does not contain NOAA Fisheries' vision for bycatch measures. Why not?
- With the time/area closures in place, NOAA Fisheries may have undone the baseline for the ICCAT small fish index. This could be a problem because we are now dependent on the Spanish fleet to determine the status of the North Atlantic swordfish stock.

Miscellaneous Bycatch Issues

- What is the purpose of putting a foam shark on a hook? That should frighten away the target species as well.
- NOAA Fisheries should not rely on discard data reported by fishermen on logbook forms.
- If you think the sea turtle issue could affect all hook and line fisheries, wait until the white marlin is listed. That could close all recreational fisheries.
- The SAFE report summarizes some of the fisheries with regular shark bycatch but does not indicate if NOAA Fisheries has any plans to deal with shark bycatch. NOAA Fisheries needs a strategy.

Bigeye, Albacore, Yellowfin, and Skipjack Tuna Issues

NOAA Fisheries staff briefly presented some pending issues on BAYS tuna management, including improving data collection for these species, and the upcoming implementation of the ICCAT recommended bigeye tuna statistical document program. Concerns raised by AP members included:

- In the last 2 years we have caught fewer albacore and yellowfin tunas.
- Historical documentation of yellowfin tuna is too low, especially in the recreational fishery.
- The average size of Caribbean albacore is about 55 pounds. NOAA Fisheries is overlooking the number of tuna catches in the Caribbean.
- NOAA Fisheries needs to use state surveys and charter/headboat logbooks to verify historical catch data.
- Does the charter/headboat sample frame tie in with Atlantic Coastal Cooperative Statistics Program (ACCSP)?
- The three yellowfin tuna per vessel put artificial limits on the landings. Historically, charter/headboats landed more than that.
- In the early 1980s, the Gulf Councils used private vessel records to set the quota for gulf mackerel. Could NOAA Fisheries do the same?
- NOAA Fisheries should use a statistician to look at a number of years in North Carolina data, extrapolate effort out to other states, and back calculate to get this total for historical yellowfin tuna catch.

Swordfish Issues

NOAA Fisheries staff presented an update of several swordfish management issues including quota allocation issues and an update on the limited access program. Swordfish issues were also discussed during the Billfish Issues section of the AP meeting on Monday, as the proposed rule on billfish monitoring also included measures for recreational swordfish fishing (retention limits, reporting). The topics discussed regarding swordfish included possible retention limits, monitoring, and quotas for the recreational fishery, the limited access program, illegal sales of swordfish by recreational vessels, and the retention limit for vessels with incidental permits. Comments by AP members on swordfish issues were as follows:

Recreational Swordfish Bag Limit

- The recreational bag limit proposed had no scientific basis.
- There is no need for a bag limit at this time because the commercial quota has not been reached. Recreational participants disappeared when swordfish were overfished. Now that the fishery is making a recovery, they are returning because of the increased availability.
- There is a small recreational fishery growing. Restricting it right now is not a good idea

because NOAA Fisheries does not know the universe or how the restrictions would affect the participants.

- Why would NOAA Fisheries implement a bag limit unless it wanted to restrict growth of this fishery?
- The transfer of swordfish to Japan was to help billfish. Now the recreational fishermen want more. If we are not landing the fish commercially, we need to make sure someone in the United States is, even if that means the recreational fishery is.
- If anyone catches a swordfish or a tuna on a handline they deserve to keep it regardless of the bag limit.
- Keep the two fish per trip limit for both the commercial incidental and recreational fisheries. Maybe NOAA Fisheries could consider bag limits of two for commercial, two for charter/headboats, and one for private anglers. One fish is enough to eat. If the enforcement problem of selling illegal fish is ever worked out then NOAA Fisheries can reconsider the bag limits.
- Bag limits will not stop the people who are selling fish illegally. They should have to buy a different permit.
- NOAA Fisheries should manage by size not bag limits.
- A recreational swordfish catch limit will not stop illegal sales of swordfish.

Method of Recreational Swordfish Reporting

- NOAA Fisheries must institute some sort of reporting requirements for recreational fishermen. It will be of benefit to everyone.
- Tags are a reasonable idea for reporting and would be more enforceable than a call-in system.
- A call-in system will not help NOAA Fisheries monitor the fishery accurately.
- Fish landed recreationally is hard to monitor because it is not put into the market place.
- While we support catch and release, if landings are allowed body tags would be more effective than a call-in system.
- The best (cost-effective) way to monitor the recreational swordfish fishery may be through an educated informal estimate .

Illegal Sales of Swordfish

- The recreational fishery is taking place in an area that is now closed to many commercial fishermen, and there are reports that many “recreational” fishermen are selling their catches of swordfish. This is disheartening and a threat to true commercial fishermen.
- The recreational community does not want illegal sales. NOAA Fisheries must enforce this effectively.
- The people who are asking for the right to sell swordfish are the same people who are illegally selling sailfish.
- People selling illegal fish are not recreational or commercial fishermen. They are pirates.
- People selling illegal fish are not pirates. Pirates rob people and keep all the benefits to themselves. People selling fish illegally are making a profit but they are also providing

people without the ability to fish with the resource. In other words, the benefits are handed out to everyone. NOAA Fisheries is charged with providing everyone access to the resource.

- Enforcement of this is important because of human health and safety concerns. Commercial fishermen are required to handle fish in a certain method to make sure the fish is healthy; recreational fishermen are not.
- The commercial seafood industry has an important stake on whether or not the recreational fishery can move into the marketplace.
- At the Florida hearings, there were a number of people who wanted legal sale of recreational fish similar to the bluefin tuna categories.
- It is not illegal in Florida to sell recreationally caught (in state waters) swordfish as long as the fisherman has a \$50 saltwater products license.

Swordfish Quota Issues

- There is no need at this time to move the incidental quota to the directed quota category.
- Quotas and seasons are the worst measures to use on a recreational fishery. NOAA Fisheries should focus on minimum sizes.
- NOAA Fisheries cannot consider allocation issues unless it knows the impact of the allocations.
- NOAA Fisheries should avoid reallocation issues because it has changed the baseline of the longline fishery's potential with closed areas and new regulations. Once the NED experiment is over and fishing is back to "normal", NOAA Fisheries can begin to work on estimating the potential of each gear type and what the allocations should be.

Swordfish Limited Access Issues

- NOAA Fisheries should make swordfish handgear permits available.
- NOAA Fisheries has to increase the commercial bag limit for incidental permit holders.
- The incidental permit holders are decreasing because the two fish bag limit does not make it profitable to fish. NOAA Fisheries should raise the limit to at least 15 fish per trip.
- The two fish bag limit is too restrictive and wasteful.
- Directed permit holders are also decreasing because of the time/area closures.
- NOAA Fisheries has to authorize fishermen in Caribbean who are catching fish but not reporting it.
- NOAA Fisheries should not reopen limited access. There was ample opportunity for fishermen to apply, although the Caribbean might be an exception because of communication concerns.
- Permits should expire at the same time.

Miscellaneous Swordfish Issues

- The proposed rules should have been introduced to the AP before they were proposed.
- There is no benefit from circle hooks. Swordfish are just as likely to be gut hooked with

- circle hooks, especially since circle hooks are smaller than J hooks.
- Has NOAA Fisheries done anything to help the fishermen who were put out of business as a result of the time/area closures?
- Allowing the recreational fishery into a nursery area that is closed to commercial fishermen is hard for the commercial fishermen to take. If you are going to close a nursery area, you should close it to everyone.
- Fishing in a nursery area could be allowed if NOAA Fisheries had a larger minimum size.
- When NOAA Fisheries proposes something to the AP, it should include the rationale ahead of the meeting so groups can coordinate a response.
- NOAA Fisheries has not been effective at enforcing regulations in the Caribbean. For instance, while some dealers now have swordfish permits, no one has told them they also have to report.
- The Caribbean needs direct representation from NOAA Fisheries.

Communication/Outreach Issues

NOAA Fisheries continues to increase communication with constituents and is looking for input regarding the HMS webpage, the HMS fax network, the SAFE reports, the existing HMS brochures, and comments on a revised overall compliance guide. Additionally, a new method of collecting public comments on proposed rules is about to be released. Comments from AP members included:

General Outreach Issues

- The fax network is still important but will probably become less so in the future as more and more people go online.
- I appear to be on the fax network more than once.
- Most of my faxes have missing lines.
- NOAA Fisheries should also send faxes to Commercial Fishing News and the like.
- NOAA Fisheries could work with Sea Grant to distribute information to the public.
- NOAA Fisheries could post more announcements on the weather radio.
- Do not put more information on the weather radio. That should be for weather updates only. You could put information on their webpage though.
- In the Caribbean, most people do not speak English. NOAA Fisheries should provide the documents in different languages.
- Are Reports to Congress on the web?
- Even the U.S. Coast Guard says it cannot keep up with all the fishing regulations. The compliance guide really helps. NOAA Fisheries needs to work on simplifying all the regulations.

Fishnews

- Fishnews is outstanding.
- I did not receive a report I asked for from Fishnews.

- Fishnews should link you directly to the Federal Register documents, not just the Federal Register site.

Webpages

- I have trouble finding the HMS webpage from the NOAA Fisheries main page.
- I can find the HMS webpage but only because I understand the bureaucratic structure of the government. Not everyone does.
- NOAA needs a better search engine for its website.

SAFE Report

- I couldn't find the SAFE report on the HMS webpage.
- The SAFE report, and other large documents, should have an index at the end.
- The SAFE report should be distributed sooner.
- The SAFE report is improving. Please add tournament and dockside data.

E-Comments System

- Will NOAA Fisheries describe how this system will sort the comments compared to the current method?
- NOAA Fisheries should keep a general comment area because there are still those that want to comment on general aspects.
- I'm glad NOAA Fisheries is doing this. Maybe the Councils will follow NOAA Fisheries in this.

Charter/Headboat Issues

NOAA Fisheries staff presented a brief summary of the upcoming proposed rule on Charter/Headboat operations and HMS recreational permitting. The proposed rule will be the E-Comments pilot, and will include a proposed definition of recreational for-hire fishing and an HMS Recreational Fishing Vessel permit, among other measures. The meeting was adjourned before the AP could provide comments however the AP members were invited to provide comments during the public comment period of the proposed rule.